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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,118	12/19/2001	Thomas Friedhelm Boehme	DE920000083US1	3223

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IBM CORPORATION  
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EXAMINER

MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/024,118

Applicant(s)

BOEHME ET AL.

Examiner

Michael D Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Requirements for Information**

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

(a)(1) In the course of examining or treating a matter in a pending or abandoned application filed under 35 U.S.C. 111 or 371 (including a reissue application), in a patent, or in a reexamination proceeding, the examiner or other Office employee may require the submission, from individuals identified under §1.56(c), or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter, for example:

(ii) Search : Whether a search of the prior art was made, and if so, what was searched.

(iii) Related information : A copy of any non-patent literature, published application, or patent (U.S. or foreign), by any of the inventors, that relates to the claimed invention.

2. Through search of prior art, examiner has found WIPO publication WO 02/052438 A2 for international application PCT/EP01/13653, which is believed to be a child application from the current application's priority (parent) application. Applicant is required to submit any information, searches, and decisions made by a sovereign or authoritative body, including but not limited to the international search report for PCT/EP01/13653, regarding known information related to the current application.

***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 23 December 2000. It is noted, however, that applicant has not filed a certified copy of the 00128496.7 application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 9-14, and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Khan et al. (U.S. 6,460,038 B1) hereinafter referred to as Khan.

a. As per claims 1 and 17, Khan teaches: receiving, at a portal node, information from at least one content provider node, (lines 34-37 of column 1); wherein the information has been generated in a markup language at the at least one content provider node (line 64 of column 7 through line 6 of column 8); combining, at the portal node, the received information (lines 44-52 of column 1); and sending, from the portal node, the combined information to a user node (lines 34-37 of column 1 and line 66 of column 12 through line 8 of column 13).

b. As per claim 2, Khan teaches: the information comprises fragments of information generated in the markup language at the at least one content provider node, and wherein the combining step comprises combining the fragments of information into the combined information (lines 34-52 of column 1 and lines 3-5 of column 13).

c. As per claim 3, Khan teaches: at least one specific portlet is located at the at least one content provider node for generating the information in the markup language (line 67 of column 7 through line 4 of column 8 and lines 12-18 of column 13).

d. As per claim 4, Khan teaches: the portal node comprises a generic portlet for combining the received information from the at least one content provider into the combined information (lines 44-52 of column 1, line 56 of column 14 through line 16 of column 15, and Fig. 10).

e. As per claim 5, Khan teaches: the combined information is configured for displaying on a browser at the user node (lines 3-8 of column 13, line 56 of column 14 through line 16 of column 15, and Fig. 10).

f. As per claim 6, Khan teaches: the markup language is the Hypertext Markup Language (HTML) (line 64 of column 7 through line 6 of column 8).

g. As per claims 9 and 18, Khan teaches: generating, within at least one content provider node, information in a markup language (line 64 of column 7 through line 6 of column 8); and sending, from the at least one content provider node, the generated information to a portal node for combining and sending the information to a user node (lines 34-52 of column 1 and line 66 of column 12 through line 8 of column 13).

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h. As per claim 10, Khan teaches: the generating step comprises generating fragments of information in the markup language, and the sending step comprises sending the fragments of information to a portal node for combining and sending to a user node (lines 34-52 of column 1 and line 66 of column 12 through line 5 of column 13).

i. As per claim 11, Khan teaches: the at least one content provider node comprises at least one specific portlet for generating the information in a markup language (line 67 of column 7 through line 4 of column 8 and lines 12-18 of column 13).

j. As per claim 12, Khan teaches: at least one generic portlet is located at the portal node for combining the received information from the at least one content provider into the combined information (lines 44-52 of column 1, line 56 of column 14 through line 16 of column 15, and Fig. 10).

k. As per claim 13, Khan teaches: the information sent to the user node is configured for displaying on a browser at the user node (lines 3-8 of column 13, line 56 of column 14 through line 16 of column 15, and Fig. 10).

l. As per claim 14, Khan teaches: the markup language is the Hypertext Markup Language (HTML) (line 64 of column 7 through line 6 of column 8).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 1 above, in view of Black et al. (U.S. 6,754,833 B1) hereinafter referred to as Black.

a. As per claim 7, Khan fails to teach the information received from the at least one content provider node is associated with a fee. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the information received from the at least one content provider node associated with a fee. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the information received from the at least one content provider node associated with a fee in the system as taught by Khan.

8. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 1 above, in view of Black and Official Notice.

a. As per claim 8, Khan fails to teach the step of accepting a fee before the receiving step. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the step of accepting a fee before the receiving step. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the step of accepting a fee before the receiving step in the system as taught by Khan.

Khan teaches accepting a fee, but fails to disclose when the fee is accepted. Official Notice is taken of accepting the fee before the receiving step. In general, most transactions occur wherein a fee is charged and then paid before the goods/services are delivered, thereby allowing the seller to guarantee they are getting paid for their goods/services. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to accept a fee before the receiving step in the system as taught by Khan.



9. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 9 above, in view of Black.

a. As per claim 15, Khan fails to teach the step of associating the generated information with a fee. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to associate the generated information with a fee. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to associate the generated information with a fee in the system as taught by Khan.

10. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 9 above, in view of Black and Official Notice.

a. As per claim 16, Khan fails to teach the step of charging a fee before the sending step. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the step of charging a fee before the sending step. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the step of charging a fee before the sending step in the system as taught by Khan.

Khan teaches charging a fee, but fails to disclose when the fee is charged. Official Notice is taken of charging the fee before the sending step. In general, most transactions occur wherein the fee is charged and then paid before the goods/services are delivered, thereby allowing the seller to guarantee they are getting paid for their goods/services. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to charge a fee before the sending step in the system as taught by Khan.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anuff et al. (U.S. 6,327,628 B1) discloses portal server that provides a customizable user interface for access to computer networks.

Matsuda (U.S. 6,389,496 B1) discloses bridge including portals with ability to redefine network topology.

Makarios et al. (U.S. 6,401,125 B1) discloses system for maintaining state information between a web proxy server and its clients.

Khan et al. (U.S. 6,438,575 B1) discloses system for wireless enablement of the world wide web using a wireless gateway and portals.

Zhang et al. (U.S. 6,498,795 B1) discloses method for active information discovery and retrieval, portals and content providers.

Yacoby et al. (U.S. 6,516,311 B1) discloses method for linking on the internet with an advertising feature and portals.

Lieberman (U.S. 6,516,349 B1) discloses system for updating as set of instantiated content providers based on changes in content provider directory without interruption of a network information server, portals and markup language.

Schilit et al. (U.S. 6,670,968 B1) discloses system for displaying and navigating links, portals, content providers, HTML, WML.

Rubin et al. (U.S. 6,701,522 B1) discloses method for portal device authentication.

Gross (U.S. 6,721,716 B1) discloses payment certification string and related electronic payment system and method.

Timmons (U.S. 6,735,586 B2) discloses system for dynamic content retrieval, OnePage software and portals.

Rubin et al. (U.S. 6,735,624 B1) discloses method for configuring and authenticating newly delivered portal device and external out-of-loop portal.

Kahn et al. (U.S. 2002/0018078 A1) discloses system for generating a customizable network user interface and portals.

***Non-Patent Documents***

O'Leary ("Portal Wars") discloses web portals in webpages, Yahoo, Alta Vista, CompuServe, AOL.

"Information Today" discloses Netscape custom portal service Netcenter.

Spring ("Portals Get Really Personal") discloses OnePage, Yodlee, VerticalOne portal applications.

Moskowitz ("Pare Your Web to OnePage.com") discloses OnePage, custom portals.

Broida ("Portals of Call") discloses portals through Lycos, Netscape, Excite, Infoseek, Yahoo.

Gardner ("Oracle works to make building e-commerce portals easier") discloses Oracle WebDB with portlets and custom portals.

Biggs ("Review: Oracle alleviates Web content jam") discloses Oracle WebDB.

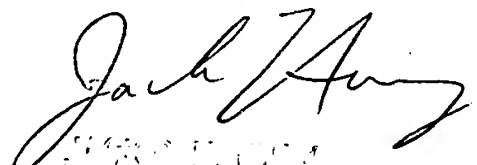
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (571) 272-3896. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JACK HARVEY  
SUPERVISOR